

Serial No.: 09/175,156

Attorney Docket No.: 98P7912US

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CENTRAL FAX CENTER****MAR 12 2007****REMARKS**

Upon entry of the instant Amendment, Claims 1-27 are pending. Claims 1 and 16 have been amended to more particularly point out Applicants' invention.

Claims 10 and 12-15 have been rejected under 35 U.S.C. 102(e) as being anticipated by Milewski, U.S. Patent No. 6,519,326 ("Milewski"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Milewski.

As discussed in the Specification, and in response to the previous Official Action, according to one embodiment of the present invention, a telephone device may be provided that includes a ring detector, a command interface, a controller and a telephone network interface. In response to an incoming call, the ring detector alerts the called party and causes the controller to activate the command interface. The command interface is activated for a predetermined time while the call is still ringing. While activated, the called party can select or enter a customized playback message.

In certain embodiments, the customized playback message can be a voice message spoken by the called party during the activation period. In other embodiments, the customized playback message can be a pre-recorded message that includes user entered parameters. After the playback message or parameters are entered by the called party, the telephone device answers the incoming call, automatically plays the customized message to the calling party via the telephone network and releases the call. Otherwise, the called party can answer the call by taking the phone off hook.

Thus, claim 10 has been amended to recite, "the customized message being transferred from the telephony device via the telephone network wherein the controller is configured to selectively either record the customized message while the incoming call is pending or receive one or more parameters in a pre-recorded message while the

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incoming call is pending."

In contrast, as discussed in response to the previous Official Action and, as acknowledged in the present Official Action, in Milewski, both the "voice ring" and "return signal" are transferred over Internet 120. Thus, this requires a separate PC to PC connection, i.e., separate from the telephone network. Only after the messages are transferred between the PCs is the telephone network used. (See, e.g., Col. 4, lines 40-45).

Paragraph 9 of the Official Action states that "Milewski states that any communication medium can be used. For example, Milewski states in col. 4, lines 57-58 that the non-dedicated medium can be the PSTN. Therefore, the connection can be a "telephone network."

The Examiner's attention is respectfully directed to col. 4, lines 27-59, of Milewski, which provide the entire context of the quote relied on in Paragraph 9 of the Official Action:

If the called party desires to accept the incoming phone call after receipt of the voice-ring announcement, the called party will transmit a return signal, or call answer message, from the called party's PC 155 to the calling party's PC 105 by utilizing a connection established over network 120 between the calling party's PC 105 and the called party's PC 155 to signal that the call is to be accepted. The return signal is not a voice message but rather is data that merely indicates to the calling party's PC 105 that the call is to be accepted. However, the present invention could be practiced by utilizing a voice message as the return signal. If a voice message was utilized as the return signal, the voice message would serve the dual purpose of providing information to the calling party about the conditions of acceptance of the phone call by the called party and would also serve to signal the calling party's PC 105 to establish a voice connection between the calling party's telephone 110 and the called party's telephone 160 over the public switched telephone network (PSTN) 130, as will be described below. If a voice message was utilized as the return signal, a message such as "Hi Bob, I only have a minute to talk," could provide useful information to the calling party. This voice message would be audibly played over speaker 106 of the calling party's PC 105.

As mentioned above, when the return signal that is sent from the called party's

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PC 155 to the calling party's PC 105 to indicate that the incoming call will be accepted is received at the calling party's PC 105, PC 105 will establish a voice connection between the calling party's telephone 110 and the called party's telephone 160 over a second non-dedicated communications medium, i.e., through PSTN 130, as is well-known in the art.

Thus, in Milewski, the "acceptance" or other message is transmitted over the Internet; the voice connection is then made over the *second medium*, i.e., the PSTN. It does not appear that Milewski anywhere provides that the customized message from the called party is transmitted over the PSTN. Only the actual telephone call is made over the PSTN. Because Milewski does not make use of the telephone network for customized messages, as generally recited in the claims at issue, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-4, 7-9, 16, and 19-27 were rejected under 35 U.S.C. §103 as being unpatentable over Bremer, U.S. Patent No. 6,018,671 ("Bremer") in view of Milewski. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Bremer or Milewski, either singly or in combination.

As discussed above, aspects of the present invention allow a calling party to provide a customized return message. The return message can be selectively recorded with or without parameters and with or without pre-recorded portions.

Thus, claim 1 has been amended to recite "wherein the selective entry means includes means for selecting between recording one or more parameters insertable in a customized pre-recorded message and recording a message without parameters while the incoming call is pending;" and claim 16 has been amended to recite "wherein the generating includes providing an option of recording an outgoing message or recording one or more parameters insertable into a pre-recorded message."

In contrast, as discussed in response to the previous Official Action, Bremer provides only for a user to select a prerecorded message and does not permit the user to, e.g., "generat[e] ...while the incoming message is pending" and "record the

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customized message while the incoming call is pending." See, e.g., Col. 4, lines 7-10 ("If the user selects a message, the controller 110 recalls the selected message from memory 126 and controls the transmitter to transmit the message..."). Furthermore, Bremer does not provide an option for a user to either record a message or insert parameters into a pre-recorded message, as generally recited in the claims at issue. Similarly, Milewski does not provide for inserting parameters into a pre-recorded message. Further, as discussed above, Milewski requires a separate Internet network for its messages and thus, if anything, teaches away from Bremer. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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